



EMERGENCY SHELTER GRANT AWARD MANUAL

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**2011-12 ESG AWARD MANUAL
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Chapter 1

PROGRAM OBJECTIVES

The objectives of the Emergency Shelter Grant program are:

- to increase the number and quality of emergency shelters and transitional housing facilities for homeless individuals and families;
- to help operate these facilities and provide essential social services; and
- to help prevent homelessness.

ESG funds assist in providing shelter for the homeless but also aid in the transition of this population to permanent housing.

The ESG program is designed as the first step in the continuum of assistance to prevent homelessness and to enable the homeless population to move steadily toward independent living. The Continuum of Care model is based on the understanding that homelessness is not caused by simply a lack of shelter, but involves a variety of underlying needs. The fundamental components of a Continuum of Care system are:

- Outreach and assessment to identify homeless person's needs;
- Immediate shelter as a safe, decent alternative to the streets;
- Transitional housing with appropriate supportive services;
- Permanent housing or permanent supportive housing for the disabled homeless.

How is ESG Funding Allocated?

The State of Indiana receives a formula amount of ESG funding each year from the U.S. Department of Housing and Urban Development. In order to receive the funds then submits and obtains approval of a Consolidated Plan. The plan provides the framework for a process used by States to identify housing, homeless, community and economic development needs and resources and to develop a strategic plan to meet those needs. During this planning process, citizens have an opportunity to provide input and to help shape the community's priorities.

The Indiana Housing and Community Development Authority (IHCDA) is responsible for the state's allocation of ESG funding. IHCDA then allocates funds to eligible Grantees. For specific information on IHCDA's allocation of ESG and other formula funding, please review the state's consolidated plan at www.in.gov/ihcda.

Chapter 2

PROGRAM REQUIREMENTS

This section describes the basic program requirements and responsibilities under the ESG program. As a grantee of ESG funding and a grantee through IHCD, you are responsible for demonstrating compliance with all of the program requirements and the ESG Regulations at 24 CFR Part 576.

1) **Keeping Accurate Financial and Service Delivery Records**

Maintaining accurate records is an important aspect of quality management of ESG projects. Measurement of project performance relies on the tracking of information about services and activities. It is important; therefore, that full and precise information about program activities and services provided with ESG funds is gathered and maintained. We require consistent reporting by on expenditure of funds, program activities and measurable outcomes. In order to report fully on program outcomes and activities, you should consistently gather demographic information on the population being served by the program and the types of activities being provided to participants.

ESG regulations require that records be maintained for a period of at least *four years* after the end of the grant term.

2) **Documentation of Homelessness**

Documentation of participants' homelessness situation is an equally important aspect of ESG project management. ESG grantees are required to maintain adequate documentation of homelessness status to determine the eligibility of persons served. Written documentation of homelessness should be in each client's file. It must be written, signed, dated and placed in the participant's files. Simply knowing that each individual you serve is homeless is not sufficient.

The HUD Homeless Documentation form was created for use as a guide for proper documentation of homelessness. It is not required that this specific form be used, however it is required that it is documented from where the participant was referred, 3rd party verification obtained when possible, and to have a space for client and staff signatures. The HUD documentation form can be found on IHCD's ESG Web site: <http://www.in.gov/ihcda/2509.htm#ESG>.

**Exception for day shelters only:* It is sufficient for the grantee/recipient staff to confirm verbally that the persons served, indeed, reside on the street or are otherwise homeless.

HUD defines homelessness as:

Someone who is living on the street or in an emergency shelter, or who would be living on the street or in an emergency shelter without HUD's homelessness assistance. A person is considered homeless only when he/she resides in one of the places described below:

- *In an emergency shelter,*
- *In transitional or supportive housing for homeless persons who originally came from the streets or emergency shelters;*

- *In any of the above places but is spending a short time (up to 30 consecutive days) in a hospital or other institution;*
- *Is being evicted within a week from a private dwelling unit and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing or their housing has been condemned by housing officials and is no longer considered meant for human habitation;*
- *Is being discharged within a week from an institution in which the person has been a resident for more than 30 consecutive days and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing; or*
- *Is fleeing a domestic violence housing situation and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing.*

3) Documentation for Homeless Prevention Activities

For homeless prevention activities, the grantee must obtain evidence of an eviction, foreclosure, or utility termination notice(s) and evidence that the inability to pay was sudden, necessary to prevent homelessness, and resumption of payment is reasonably expected within the near future. Evidence would include, for example, notice of termination from the utility provider, court documents indicating that eviction was imminent or foreclosure documents indicating that foreclosure proceedings were pending. "Sudden" loss of income means, for example, the loss of a job, or the inability to work due to illness.

4) Termination of Participation and Grievance Procedure

ESG grantees may terminate assistance provided by ESG-funded activities to participants who violate program requirements. The termination, however, must allow for the due process of the terminated participant's rights.

Grantees must have in place a procedure that governs the termination and grievance process. These procedures should describe the program requirements and the termination process, as well as the grievance procedure that might, for example, allow participants to request a hearing regarding the termination of their assistance.

It is important that grantees effectively communicate the termination and grievance procedures to participants and ensure that the procedures are fully understood. For example, the grantee staff might verbally explain the procedures to participants upon entry, intake, or orientation to the ESG-funded program and make the procedures readily available to participants either with written information or by posting the policy in a public place. Posting the policy on a bulletin board in a common area within the facility is an effective way to ensure that the procedures are available for participants to access at any time. 24 CFR 576.56 (a) (3)

5) Participation of Homeless Persons

Grantees are required to involve participants in the operation of the ESG-funded program. This involvement includes the participants' employment or volunteering in project activities such as construction, renovation, maintenance, general operation of facilities, or provision of

services. For example, a shelter might involve participants in ongoing maintenance tasks or other operations of the facility such as staffing the reception desk. This involvement can include paid and/or volunteer work.

6) Ensuring Confidentiality

To ensure the safety and security of ESG project participants fleeing domestic violence situations, ESG grantees are required to develop and implement procedures to guarantee the confidentiality of records concerning project participants. In addition, the address and location of family violence shelter facilities receiving ESG funding may not be publicly disclosed except with the written authorization of the person(s) responsible for the shelter facility's operation. To comply with this requirement, grantee organizations should, for example, keep written records or files pertaining to families under lock and key with only particular personnel granted access to those files.

7) Building & Habitability Standards

IHCDA requires the following basic habitability standards for ESG funded shelters:

- **Inspections.** Current fire and health inspections must be in place during the contract period.
- **Structure and Materials.** The shelter building should be structurally sound to protect residents from the elements and not pose any threat to health and safety of the residents.
- **Access.** The shelter must be accessible, and there should be a second means of exiting the facility in the case of emergency or fire.
- **Space and Security.** Each resident should have adequate space and security for themselves and their belongings. Each resident must have an acceptable place to sleep.
- **Interior Air Quality.** Each room or space within the shelter/facility must have a natural or mechanical means of ventilation. The interior air should be free of pollutants at a level that might threaten or harm the health of residents.
- **Water Supply.** The shelter's water supply should be free of contamination.
- **Sanitary Facilities.** Each resident should have access to sanitary facilities that are in proper operating condition. These facilities should be able to be used in privacy, and be adequate for personal cleanliness and the disposal of human waste.
- **Thermal Environment.** The shelter/facility must have any necessary heating/cooling facilities in proper operating condition.
- **Illumination and Electricity.** The shelter/facility should have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There should be sufficient electrical sources to permit the safe use of electrical appliances in the shelter.
- **Food Preparation.** Food preparation areas, if any, should contain suitable space and equipment to store, prepare and serve food in a safe and sanitary manner.
- **Sanitary Conditions.** The shelter should be maintained in a sanitary condition.
- **Fire Safety-Sleeping Areas.** There should be at least one working smoke detector in each occupied unit of the shelter facility. In addition, smoke detectors should be located near sleeping areas where possible. The fire alarm system should be designed for a hearing-impaired resident.
- **Fire Safety-Common Areas.** All public areas of the shelter must have at least one working smoke detector.

Sanctions for Noncompliance

If it is determined that a grantee is not complying with the requirements of the ESG regulations or other applicable Federal laws, IHCDA may apply one or more of a variety of sanctions on the grantee. These include but are not limited to requiring that previously committed ESG funds are returned or the determination to not provide future grant funding to the grantee.

Chapter 3

ESG ELIGIBLE ACTIVITIES

There are three eligible activities under the ESG program:

1. **Homeless Assistance: Essential Services**
2. **Homeless Assistance: Operational Costs**
3. **Homeless Prevention**

1) **Homeless Assistance: Essential Services**

ESG funds can be used to provide essential services to address the needs of homeless persons living on the street, in emergency shelter or in transitional housing. Essential services can address the immediate needs of the homeless, and can help enable homeless persons become more independent and to secure permanent housing.

The law specifies a broad array of services available to serve homeless persons who are residing in emergency and transitional shelters, day shelters or soup kitchens that are designed to serve predominantly homeless persons. Finally, services provided by shelters or day shelters that address the needs of persons residing on the street may be funded by ESG.

- Essential services includes services concerned with employment, health, drug abuse, and education and may include (but are not limited to):
- Assistance in obtaining permanent housing;
- Medical and psychological counseling and supervision; Employment counseling; Nutritional counseling; Substance abuse treatment and counseling;
- Assistance in obtaining other Federal, State and local assistance including mental health benefits; employment counseling; medical assistance; Veteran's benefits; and income support assistance such as supplemental Security Income benefits, Aid to Families with Dependent Children, General Assistance, and Food Stamps;
- Other services such as child care, transportation, job placement and job training; and
- Staff salaries necessary to provide the above services.
- Vehicle maintenance and fuel in vehicle used solely for the purpose of transporting clients to any of the above mentioned services.

Limitations on Funding Essential Services:

IHCDA is required to ensure that only thirty percent of the total ESG allocation is used for essential services. We caution grantees to be mindful of this limitation. While, we do not limit individual grantees at this point, there may come a time in the future where budget modifications may be limited or other re-allocations are made to ensure compliance with this limitation.

Ineligible Essential Activities:

- Existing services and staff (services must be new or provided to more persons – services have increased) Once they are new and increased services, then the funds may be used to continue funding that service in subsequent years.
- Salary of case management supervisor when not working directly on participant issues/clients
- Advocacy, planning, and organizational capacity building
- Staff recruitment/training
- Transportation costs not directly associated with service delivery.

2) **Homeless Assistance: Operational Costs**

The legislation and regulations specify various eligible operating costs related to the provision of emergency and transitional housing.

The term "operating costs" means expenses incurred by a grantee operating a facility assisted under this subtitle with respect to:

- Maintenance, repair, and security of such housing; and utilities, fuels, furnishings, and equipment for such housing.
- Payment for shelter maintenance, operation, rent, repairs, security, fuel, equipment, insurance, utilities, food and furnishings (for shelter residents during residence).
- Payment of short-term motel/hotel stays for an individual or family who are not able to stay at the shelter.

Limitations on Funding Operational Costs

Staff salaries (including fringe benefits) paid under the operating costs category is limited to 10 percent of the grant. Maintenance and security salary costs are not subject to the 10 percent standard. For example, a grantee receiving a \$75,000 ESG grant would be able to pay only \$7,500 (or 10 percent of that amount) for operational staff costs.

Ineligible Operational Costs

- Recruitment or on-going training staff
- Depreciation
- Costs associated with the organization rather than the supportive housing project (advertisements, pamphlets about organization, survey, etc.)
- Staff training, entertainment, conferences, or retreats
- Public relations or fund raising
- Bad debts/late fees
- Mortgage payments
- Financial Audits
- Vehicle maintenance or fuel

3) **Homeless Prevention**

Homeless prevention means activities or programs designed to prevent the incidence of homelessness.

Eligible Activities

- Efforts to prevent homelessness such as financial assistance to families who have received eviction notices or notices of termination of utility services if - the inability of the family to make the required payments is due to a sudden reduction in income; the assistance is necessary to avoid the eviction or termination of services;
- There is a reasonable prospect that the family will be able to resume payments within a reasonable period of time; and
- The assistance will not supplant funding for preexisting homelessness prevention activities from other sources.

Not more than 30 percent of the aggregate amount of all assistance to a State or local government under this subtitle may be used for activities under this paragraph. (30% of the whole grant awarded to the State)

Homeless prevention means activities or programs designed to prevent the incidence of homelessness, including (but not limited to):

- Short-term subsidies to defray rent and utility arrearages for families that have received eviction or utility termination notices;
- Security deposits or first month's rent to permit a homeless family to move into its own apartment;
- Mediation programs for landlord-tenant disputes;
- Legal services programs for the representation of indigent tenants in eviction proceedings;
- Payments to prevent foreclosure on a home; and
- Other innovative programs and activities designed to prevent the incidence of homelessness.

Ineligible Activities

- Housing/services to homeless persons
- Direct payments to individuals
- Long-term assistance beyond several months
- Application for federal funds or unprogrammed funds

Chapter 4

REPORTS & HMIS

Reports

ESG grantees are required to submit a semi-annual and annual report to the ESG Program Coordinator. Please e-mail these reports to the ESG Program Coordinator.

These forms will be e-mailed to your organization by the ESG Program Coordinator and will be posted online prior to the due date:

- **Semi-Annual Report is due January 18, 2012**
- **Annual Report is due July 18, 2012**
- **Close-out Report is due August 10, 2012**
- **Last 2011-12 Claim due August 1, 2012**

All reports are due in the IHCD office or submitted by e-mail by close of business (5pm EST) on the date noted. One point will be deducted from the next ESG application for each day late.

The performance goals selected in the ESG application must be met at the end of the program year, June 30. Grantees will report the outcomes on these goals on both reports.

Hoosier Management Information System

Hoosier Management Information System (HMIS) is a secure, confidential electronic data collection system used to determine the nature and extent of homelessness. All ESG grantees are required to participate in HMIS *for all residential programs serving homeless* individual and families in the shelter program(s). Domestic violence shelters are excluded from the HMIS participation requirement due to the Violence Against Women's Act (see below paragraph). The HMIS system is used to report to HUD on an annual basis and to aid in local and statewide policy and planning.

Grantees are required enter client data in the system on a *regular and consistent basis*, which is defined as data entry within two weeks from the time of intake. IHCD will regularly monitor HMIS usage to verify consistent data entry for applicable shelters. **Failure to enter data on a regular and consistent basis may result in the termination of the ESG contract.**

Domestic Violence Shelters/HMIS

On January 2, 2006, the President signed into law the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA). The law includes new rules about the participation of domestic violence providers in HMIS.

Currently IHCD is waiting for official direction from HUD on how to track domestic violence victims in HMIS. When direction is given, IHCD reserves the right to require all domestic violence shelters to abide by these new directives.

For additional information on how to get started with HMIS, please contact Brennan Butler, HMIS Data Specialist at Indiana Housing and Community Development Authority at bbuter1@ihcd.in.gov or 317-234-7572.

Chapter 5

AWARD MONITORING

The ESG Program Coordinator is required to monitor 25% of the total ESG Grantees every year. New grantees will be monitored within the first year of the contract with Indiana Housing and Community Development Authority.

All shelters who will be subject to on-site monitoring will receive notification confirming the date and time of the monitoring and a monitoring checklist. The checklist contains a list of subjects for review and documents that will need to be made available at the time of monitoring. Some shelters may be required to submit desktop monitoring information. IHCDCA will send letters to those shelters detailing the items needed for the desktop monitoring.

Upon completion of the review, IHCDCA will send a letter detailing all concerns and findings discovered at the monitoring visit. If there are findings or concerns discovered, the letter will request the agency to submit a specific resolution or correction within a certain period of time.

In addition, IHCDCA staff may be available throughout the program year to conduct interim monitoring to help new grantees or agencies with new staff ensure their continued compliance with the ESG program. Please contact IHCDCA to schedule an interim monitoring.

Chapter 6

FINANCIAL MANAGEMENT

Before a grantee may first request reimbursement for ESG funds expended on specific activities/budget line items, the following items must be received by IHCDA:

- Signed/executed award agreement; and
- Completed budget page and budget activity narrative
- Requested documentation in response to conditional funding (if applicable)

Match

Each ESG Grantee must match dollar-for-dollar the ESG funding provided by HUD with funds from other public or private sources. A grantee may comply with this requirement through matching funds or voluntary efforts provided by any recipient or project sponsor.

Matching funds must be provided after the date of the grant award to the grantee. Funds used to match a previous ESG grant may not be used to match a subsequent grant award. No federal funds can be used for match, with the exception of Community Development Block Grant funds.

All ESG Grantees are required to contribute 100% match to their ESG program. For example, if the ESG award is \$10,000, the grantee must demonstrate \$10,000 as match. The following items may be used as match:

Type of Match	Documentation required
Cash/Grant	Award letter
Value or fair rental value of any donated material or building	Documentation of value of donated material or building. Documentation of previous year's match.
Value of any lease on a building	Documentation of value of lease on a building
Any salary paid to staff to carry out the program of the grantee	Timecards of staff member. Proof of salary payment (cancelled checks / bank statements). Summary list of all salaries counted as match. List should contain staff name, hours worked and total monetary value of time worked.
Value of the time and services contributed by volunteers to carry out the program of the grantee at a current rate of \$5 per hour. (Note: Volunteers providing professional services such as medical or legal services are valued at the reasonable and customary rate in the local community.)	List containing all volunteer names, number of hours worked and total value of time contributed.

Budget Modifications

At some point during the program year, the grantee may need to reallocate funds budgeted among their approved activities.

Budget modification requests are reviewed by the ESG Program Coordinator to determine if the grantee has administered the grant in a timely and responsible manner, if the proposed modification presents new problems in meeting federal or state regulatory or policy requirements, or if the request in any way changes the factors involved in the initial evaluation of the proposal for funds.

There are two types of budget modifications permitted with the Emergency Shelter Grant.

- 1) **Line item modification:** Grantees can modify the amounts *among* line items within any of the three activities (Essential Services, Operations, Homeless Prevention). There is no limit on the number of line item modifications that can be submitted. This request requires only notification, but no IHCDA approval. Complete the Budget Modification Form (posted online), print and submit with the next claim.
- 2) **Budget modification:** Grantees are limited to *one* budget modification each program year. This modification includes all changes to the totals in each of the three activities as listed in the contract (Essential Services, Operations and Homeless Prevention). The request to IHCDA must be in letter format and submitted with an original signature of the Grantee's Chief Executive Officer. The letter must explain the circumstances and rationale for the requested budget change. The request must also contain a Budget Modification form completed online and printed. Once submitted, the ESG Program Coordinator will review the request and notify the grantee of approval or denial in letter format. If approved, the letter will be accompanied with an amended award agreement, which must then be printed, signed and returned to IHCDA. Once this is received, IHCDA will sign the form as well, send the executed copy back by e-mail, along with the claim form revised with new budget.

Claim Vouchers

Grantees may submit claim vouchers monthly, for up to 12 months. The ESG Program Coordinator will send the most updated claim form at the beginning of the new fiscal year.

Claim Process

All claims are paid on a reimbursement basis. Grantees incur eligible costs and then request reimbursement by IHCD. There will be up to 12 claims per fiscal year. Each claim represents one month of bills that were ***incurred or paid*** during that month. Example: Claim #1 (July) will contain all eligible ESG expenses for July. All of the expenses listed must have either been incurred at some time in July or paid in July. Grantees cannot claim more or less than one month's expenses in one claim. After one month is claimed, the Grantee cannot reclaim expenses for that same month later in the fiscal year. Similarly, if a Grantee skips one month, and claims the month following the skipped month, the skipped month cannot be claimed at a later time. It is allowable to claim your award in less than 12 months (12 claims). Grantees must submit request for reimbursement for no less than seventy-five percent (75%) of total award no later than April 1, 2012.

The grantee must submit each claim for eligible expenses within sixty (60) days after the calendar month in which the expenses are incurred or paid by the Grantee. For example, the July 2011 claim must be submitted no later than last day of September 2011.

The following claim documents must be submitted with each claim:

- 1) Claim Voucher
- 2) Financial Narrative
- 3) Supporting documentation

Supporting Documentation- This documentation includes copies of the actual receipt or bills that are being claimed for reimbursement or a copy of the check sent to the vendor. If a bill/invoice is submitted, the check number and date paid must be written/stamped on it. The organization will be contacted if there is any issue with the claim.

Claiming Salaries - Salaries can be budgeted in Essential Services and/or Operations. All salaries in essential services can be for staff time spent providing *direct services* to homeless clients. All salaries claimed in Operations, can be for staff time spent operating the building and/or shelter program. Salaries can be claimed only to the amount budgeted for in the Award Agreement. On the claim financial narrative, list the employee's name in the corresponding activity column, and the amount claimed to ESG in the amount column.

Additionally, the "Salaries Claimed" box at the bottom of the financial narrative must be completed with further requested details on that expense. This includes: name of the employee, pay date, number of hours worked, the chargeable rate and amount claimed on ESG. No additional supporting documentation for salaries is required to be submitted for the claim. Do not include actual time sheets with the claim submission. Please keep this documentation on file for monitoring review by IHCD staff. During the monitoring, IHCD staff would review the time sheets from the dates listed to verify the number of hours worked, and that the hours charged were related to the ESG program.

Example:

<i>Employee</i>	<i>Pay Period</i>	<i># of Hours Worked</i>	<i>Pay Rate</i>	<i>Amount billed to ESG</i>
<i>James Brown</i>	<i>8/1/11-8/14/11</i>	<i>30</i>	<i>\$10.00/hr.</i>	<i>\$300.00</i>

When submitting reimbursement for homeless prevention activities please provide copies of the lease, utility bill and/or mortgage coupon detailing the amount of assistance paid on behalf of the client. Maintain all other required documentation for the homeless prevention activity as outlined in Chapter 2: Program Requirements.

Closeout of ESG Funds:

All ESG Grantees will be required to complete and submit a grant closeout form due August 10, 2012. This form will be distributed to grantees close to the end of the fiscal year. All outstanding claims must be submitted by August 1, 2012. All unclaimed funds remaining after this date will be closed out and no longer available to the grantee. Any grantee who does not claim all funds by the end of the program year will negatively affect the award amount the following program year.

Chapter 7

CIVIL RIGHTS /ACCESSIBILITY

As a recipient of federal funds, you are required to maintain compliance with civil rights and fair housing laws. The information in this chapter is provided to educate you on your requirements and as a resource tool to assist you in facilitating access to housing for your clients. If you have specific questions about any of the laws please contact IHCD for clarification.

The Fair Housing Act states that it is illegal to discriminate against any person because of race, color, religion, sex, handicap, familial status, or national origin in:

- the sale or rental of housing or residential lots;
- advertising the sale or rental of housing;
- the financing of housing;
- the provision of real estate brokerage services; and
- the appraisal of housing.

The Fair Housing Amendments Act of 1988 Final Committee Report to the House of Representatives (100-711) dated June 17, 1988 provides the background information to the Fair Housing Law and Committee intentions when submitted to Congress. The Fair Housing Amendments became Public Law 100-430 on September 13, 1988 to amend Title VIII, commonly called The Civil Rights Act of 1968. This legislation revised certain procedures and implemented new protections and enforcement. On Monday, January 23, 1989, the Federal Register contained the Final Rule for implementation of the Fair Housing Amendments Act of 1988. The effective date of this legislation was March 12, 1989 with the specific provisions for new construction effective March 13, 1991.

Fair Housing legislation is clear in regard to discriminatory practices and penalties. The law does not intend to prohibit property owners, managers, and administrators from valid inquiries into an applicant's ability to meet lease requirements and/or program eligibility requirements as set forth in Federal or State programs or in a Tenant Selection Criteria. However, there are certain areas that owners, managers, and administrators must clearly understand in regard to legitimate questions and disallowed inquiries. These are discussed below:

1. Independent Living - An owner, manager, or administrator should not attempt to assess whether an applicant is capable of independent living but only whether the applicant meets essential eligibility requirements. If an applicant requires supportive services but does not ask that they be provided, the need for supportive services should not be considered a factor in determining eligibility. If the provision of supportive services is part of the housing program, then these services should be provided in a non-discriminatory manner. However, no provider is required to take any action which would fundamentally alter the nature of the program in order to accommodate the disability of an applicant or tenant.

2. Restriction of Children/Handicapped in Housing: Evacuation Safely - There can be no restriction as to where persons may reside in housing with the exception of Federal or management priorities for certain adapted or accessible units. Accepting or rejecting applicants on the basis of the ability to evacuate safely is not allowed.
3. Legal and Illegal Questions - The Fair Housing Law clearly defines legal and illegal questions for all applicants of all housing in the United States. It is unlawful to make an inquiry to determine whether an applicant for a dwelling, a person intending to reside in that dwelling after it is sold, rented or made available, or any person associated with that person, has a handicap or to make inquiry as to the nature or severity of a handicap of such a person.

However, the following inquiries can be made, **provided these inquiries are made to all applicants, whether or not they have handicaps:**

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy;
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with handicaps or to persons with a particular type of handicap;
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with handicaps or to persons with a particular type of handicap;
- Inquiry to determine whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance;
- Inquiry to determine whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.

A manager or owner is never required to make available a dwelling to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others.

Grantee Required Actions

ESG grantees are required to make ESG funded facilities and services available to all on a nondiscriminatory basis, and publicize this fact. The procedures that a grantee uses to convey the availability of such facilities and services should reach persons with handicaps, or persons of any particular race, color, religion, sex, age, familial status or national origin within their service area who may qualify for them.

If not, the grantee must establish additional procedures that will ensure that these persons are made aware of the facilities and services. Grantees must adopt procedures to disseminate information to anyone who is interested regarding the existence and location of handicap accessible services or facilities.

All ESG Grantees are required to post Fair Housing Opportunity poster and Handicap accessibility poster if applicable. If a shelter cannot provide handicap accessibility services, then they must provide a procedure to refer individuals to accessible services or facilities.

Civil Rights Laws

Introduction

The civil rights laws, regulations, and executive orders are designed to protect individuals from discrimination on the basis of race, national origin, religion, color, sex, age and handicap status. These laws, regulations, and executive orders, as they apply to the ESG program, protect individuals from discrimination in housing, the use of public facilities and services, benefits created by ESG projects, and employment and business opportunities.

The following is a summary of the regulations.

Title VI - Civil Rights Act of 1964

Title VI provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. It directs each federal department or agency that extends financial assistance to any program or activity through grants, loans, or contracts, except contracts of insurance or guaranty, to issue rules or regulations to be approved by the President to carry out the purposes of the Title. Title VI authorizes the termination or the refusal to grant or continue federal assistance under any program or activity involving a recipient receiving an express finding of a failure to comply, but only after due notice, an opportunity for a hearing, and a determination that compliance cannot be secured by voluntary means.

Title VII – Civil Rights Act of 1964 (as amended)

This provision prohibits discrimination in employment on the basis of sex.

Title VIII – Civil Rights Act of 1968

Title VIII prohibits blockbusting, or discrimination in the sale or rental of dwellings, the financing of housing, or advertising. Title VIII makes it unlawful to deny any person access to, membership, or participation in any multiple listing service or real estate brokers' organization for discriminatory reasons. The law is applicable in stages and ultimately applies to all dwellings except those which are specifically exempt. Title VIII generally does not apply to the sale or rental of a single family house by a private individual owner who does not own more than three such single-family houses at any one time. After December 31, 1969, the sale or rental of any such single-family home is exempted from the application of Title VIII only if it is sold or rented without the use of a broker and without discriminatory advertising. The act does not apply to rooms or units in dwellings containing living quarters occupied by not more than four families living independently of each other and the owner occupies one of such quarters as his or her residence.

Also exempted is the sale or rental of dwellings owned or operated by religious organizations, for other than a commercial purpose, to persons of the same religion unless membership in such religion is restricted on account of race, color or national origin. Neither does Title VIII prohibit a private club, not open to the public and providing lodging which it owns or operates for other than commercial purposes, from limiting rental or occupancy to its members.

Section 3: Housing and Urban Development Act of 1968

Section 3 provides that to the greatest extent feasible, training and employment opportunities shall be made available to low-income residents of project areas and that contracts be awarded to small businesses located within the project area or owned in substantial part by project area residents.

Section 109: Housing and Urban Development Act of 1974

Section 109 provides that no person in the United States shall on the ground of race, color, national origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part under this title.

Section 504: Rehabilitation Act of 1974

Section 504 provides that no otherwise qualified handicapped individual in the United States, as defined in Section 7(6), shall, solely be reason of this handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Age Discrimination Act of 1975

The Act provides that no person in the United States on the basis of age shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Executive Order 11063

Executive Order 11063 provides that no person on the basis of race, color, religion, sex or national origin, shall be discriminated against in:

- Housing (and related facilities) provided with federal assistance.
- Lending practices, with respect to residential property, when such practices are connected with loans insured or guaranteed by the federal government.

Executive Order 11246, as amended by Executive Order 11375

Executive Order 11246, as amended by Executive Order 11375, provides that no person shall be discriminated against on the basis or race, color, religion, sex or national origin in any phase of employment during the performance of federal or federally assisted construction contracts in excess of \$25,000.

Executive Order 12138: Women Business Enterprise Policy

For purposes of this Order, affirmative action may include, but is not limited to, creating or supporting new programs responsive to the special needs of women business enterprises, establishing incentives to promote business or business-related opportunities for women business enterprises, collecting and disseminating information in the support of women business enterprises and ensuring to women business enterprises knowledge of any ready access to business-related services and resources. In implementing this Order an agency undertakes to use or to require compliance with numerical set-asides or similar measures. It shall state the purpose of such measure and the measure shall be designed on the basis of pertinent factual findings of discrimination against women's business enterprise and the need for such measure.

Minority and Women Business Participation

Minority-owned and women-owned business enterprises (MBE/WBE's) shall have the maximum feasible opportunity to participate in the performance of contracts under federal grant programs. Award recipients shall exercise their "best efforts" to ensure that MBE/WBE's are given the opportunity to participate in ESG-funded contracts, including contracts for services, supplies and construction activities. Indiana has adopted a goal of 11.47% participation by minority owned business enterprises and 5.93 for women-owned business enterprises in federally funded activities.

A minority- or women-owned business enterprise is defined for this program as a business which has been established for at least one year and is 51% owned, operated and controlled by minorities or women. Corporation or partnerships formed merely to qualify as an MBE or WBE for purposes of this program will not be considered minority or women-owned business enterprises.

Award recipients are required to maintain documentation supporting their "best efforts" to achieve the state goal of 11.47% minority owned business enterprise participation and/or 5.93% women-owned business enterprise participation on all ESG-funded procurement and contract solicitation. To document "best efforts" and attain the goals, the following steps should be taken to solicit bids from and encourage participation by minority- or women-owned business enterprises:

1. Where legal notice is required by law, include language notifying bidders of the 11.47% and 5.93% MBE/WBE participation goal on the project.
2. Contact IHCD or the Indiana Department of Administration Minority Business Development Division for a referral list of firms in the categories of work needed for the development including professional services, supply, and construction services.
3. Contact at least two (2) MBE/WBE firms from the referral list, notifying them of the impending bidding opportunity and how to participate.
4. If award recipients anticipate the use of subcontractors or additional purchasing contracts for supplies, then the referral list of qualified minority- and women-owned businesses should be disbursed to all prime contractors at this conference. Award recipients should supply a copy of the plans and specifications as well as a list of the organizations that will have plans and specification on file.

5. Award recipients must maintain documentation supporting their “best efforts” for monitoring and auditing purposes. **Award recipients must document solicitation of MBE/WBE firms through Certified Mail receipts, Certificates of Mailing, or receipts from hand-delivery of notices.**

Chapter 8

CONFLICT OF INTEREST

Conflicts Prohibited

No persons (as described in persons covered) who exercise or have exercised any functions or responsibilities with respect to ESG activities or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

Persons Covered

The conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, grantees which are receiving ESG funds.

Exceptions

A request for an exception to this conflict of interest prohibition will be considered by IHCD only after the grantee has provided the following:

1. A copy of the minutes from a public meeting denoting that the affected person has publicly disclosed the conflict of interest and has stated that he/she has withdrawn from functions or responsibilities with respect to the assisted activity in question.
2. An opinion from the grantee's attorney that the interest for which the exception is sought would not violate State or local law.

Once IHCD receives minutes of the public meeting and an opinion from the grantee's attorney, IHCD will respond in writing as to whether or not an exception to the conflict of interest prohibition has been granted.

Should IHCD approve the grantee's request, a completed Uniform Conflict of Interest Disclosure Statement must be provided to IHCD as well as filed with the State Board of Accounts and the Clerk of the Circuit Court of the county in which the governmental entity executed the contract or purchase within 15 days after the final action toward awarding ESG funds to the person in question.

IHCD will approve an exception to this conflict of interest prohibition only after it has been determined that such an exception will serve to further the purpose of the Act and the effective and efficient administration of the ESG program.

UNIFORM CONFLICT OF INTEREST DISCLOSURE STATEMENT

Indiana Code 35-44-1-3

A public servant who knowingly or intentionally has a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D Felony. A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of the public servant or a dependent of the public servant who is under the direct or indirect administrative control of the public servant or receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the public servant. "Dependent" means any of the following: the spouse of a public servant; a child, stepchild, or adoptee (as defined in I.C. 31-3-4-1) of a public servant who is unemancipated and less than eighteen (18) years of age; and any individual more than one-half (1/2) of whose support is provided during a year by the public servant.

The foregoing consists only of excerpts from I.C. 35-44-1-3. Care should be taken to review I.C. 35-44-1-3 in its entirety.

1. Name and Address of Public Servant Submitting Statement: _____

3. Title or Position With Governmental Entity: _____

a. Governmental Entity _____

b. County: _____

4. This statement is submitted (check one):

a. _____ as a "single transaction" disclosure statement, as to my financial interest in a specific contract or purchase connected with the governmental entity which I serve, proposed to be made by the governmental entity with or from a particular contractor or vendor; or

b. _____ as an "annual" disclosure statement, as to my financial interest connected with any contracts or purchases of the governmental entity which I serve, which are made on an ongoing basis with or from particular contractors or vendors.

5. Name(s) of Contractor(s) or Vendor(s): _____

6. Description(s) of Contract(s) or Purchase(s) Describe the kind of contract involved, and the effective date and term of the contract or purchase if reasonably determinable. Dates required if 4(a) is selected above. If "dependent" is involved, provide dependent's name and relationship): _____

7. Description of My Financial Interest (Describe in what manner the public servant or "dependent" expects to derive a profit or financial benefit from, or otherwise has a pecuniary interest in, the above contract(s) or purchase(s); if reasonably determinable, state the approximate dollar value of such profit or benefit.): _____

(Attach extra pages if additional space is needed)

8. Approval of Appointing Officer or Body (To be completed if the public servant was appointed by an elected public servant or the board of trustees of a state-supported college or university):

I (We) being the _ of Title of Officer or Name of Governing Body)_____ And having the power to appoint the above named public servant to the public position to which he or she holds, hereby approve the participation to the appointed disclosing public servant in the above described contract(s) or purchase(s) in which said public servant has a conflict of interest as defined in Indiana Code 35-44-1-3; however, this approval does not waive any objection to any conflict prohibited by statute, rule, or regulation and is not to be construed as a consent to any illegal act.

_____	_____
_____	_____
Elected Official	Office

9. Effective Dates (Conflict of interest statements must be submitted to the governmental entity prior to final action on the contract or purchase.):

_____	_____
Date Submitted	Date of Action on contract or
Purchase	

10. Affirmation of Public Servant: this disclosure was submitted to the governmental entity and accepted by the governmental entity in a public meeting to the governmental entity prior to final action on the contract or purchase. I affirm, under penalty of perjury, the truth and completeness of the statements made above, and that I am the above named public servant.

Signed: _____ (Signature of Public Servant)
Date: _____

Within 15 days after final action on the contract or purchase, copies of this statement must be filed with the State Board of Accounts, Indiana Government Center South, 302 West Washington Street, Room E418, Indianapolis, Indiana, 46204-2738 and the Clerk of the Circuit Court of the county in which the governmental entity executed the contract or purchase. A copy of this disclosure will be forwarded to the Indiana Ethics Commission.

Chapter 9

LEAD BASED PAINT REQUIREMENTS

Background

The primary cause of childhood lead poisoning is deteriorating lead-based paint and lead-contaminated dust and soil in older housing units. Although lead was banned from residential house paint in 1978 by the Consumer Product Safety Commission (CPSC), an estimated 57 million older homes still contain some lead-based paint. Of these, some 3.8 million dwellings are thought to have both lead-based paint hazards and young children as residents.

The amount of lead-based paint in housing is significant. Tens of millions of housing units contain at least some lead-based paint. Children living in homes with lead-based paint become exposed to lead by directly eating chips of lead-based paint or chewing on protruding surfaces painted with lead-based paint. The more common route of exposure, however, is the ingestion of lead-bearing dust that is generated by the paint when it deteriorates, chinks, or is disturbed through renovation or even abrasion from the opening and closing of windows. Even in this less direct way, lead-based paint can be a source lead poisoning.

The most common route of exposure for children is through ingestion of lead-contaminated dust. This dust sticks to moist hands as a child plays or crawls across the floor, and is then ingested via finger sucking or other normal hand-to-mouth activity. A child can also be poisoned by eating lead-based paint chips and lead-contaminated soil, and by being exposed to other environmental sources of lead from inside and outside the home. Additionally, repair and renovation activities, such as repainting, that disturb lead-based paint can generate significant levels of leaded dust to which children can be easily exposed.

“Lead-based paint hazards” have been defined in the Residential Lead-Based Paint Hazard Reduction Act of 1992, commonly referred to as “Title X,” as any of six conditions which can present lead exposures sufficient to cause adverse health effects. These include:

1. lead-contaminated dust;
2. deteriorated lead-based paint;
3. intact lead-based paint on friction surfaces;
4. intact lead-based paint on impact surfaces;
5. intact lead-based paint on chewable surfaces accessible to young children; and
6. lead contaminated bare soil.

ESG Lead Requirements

Since the ESG program deals primarily with the operation of short-term emergency shelters and the delivery of essential services to homeless persons, ESG is governed by Subpart K of the Lead-Based Paint regulations. According to the regulations, most emergency shelters are exempt from the lead-based paint regulations. Thus emergency housing using efficiencies, studio apartments, dormitories, single room occupancy units, barracks, group homes, or room rentals in residential dwellings are all excluded from the lead based requirements. The only ESG-assisted

housing covered under the lead based paint requirements is longer-term transitional housing in an apartment with one or more bedrooms AND which has family residents who are part of a program requiring continual residence of more than 100 days.

The majority of ESG projects, with their relatively short stays in HUD-assisted housing, are exempt from the lead-based paint requirements. However, any ESG housing or services sites regularly frequented by children less than 6 years of age are encouraged to test for lead.

For the long- term transitional housing, IHCD requires all grantees to participate in educating the public on the hazards of lead poisoning. The EPA Lead brochures must be distributed to all households receiving long-term rental assistance. Documentation of this brochure must be maintained in each client file.

Essential (Support) Services and Operations

For eligible ESG Housing properties that receive federal assistance for essential supportive services or operations, a number of lead-based paint requirements apply. The grantee/grantee should conduct the following activities:

1. Visual assessment of all painted surfaces to identify deteriorated surfaces;
2. Complete paint stabilization of all deteriorated surfaces.
3. Incorporate ongoing lead-based paint maintenance activities into the regular building maintenance operations; and
4. Notification as described above.

Exemptions to the New Lead Based Paint Requirements

- Residential structures built after January 1, 1978;
- Emergency action activities;
- Existence of Lead-Based Paint Unlikely;
- Areas where state and local governments banned lead-based paint prior to January 1, 1978;
- Properties found not to have lead-based paint during earlier testing that meets the requirements of prior evaluations;
- Properties where all lead-based paint has been identified and removed using approved methods;
- Human Threat Unlikely;
- Unoccupied units that will be demolished;
- Property not suitable for human residential habitation
- Rehabilitation that does not disturb paint;
- Child Occupancy Unlikely;
- Zero-room dwelling units;
- Elderly and disabled housing; and
- Emergency housing assistance (such as for the homeless) unless the assistance is for long-term assistance that lasts more than 100 days. In the case where longer-term housing assistance lasts for more than 100 days, then rule does apply.

Long-term Rental Assistance

If there will be a child under the age of 6 residing in the unit receiving ESG long-term housing, the award grantee must conduct a visual assessment for the presence of lead-based paint. Award Grantees cannot provide long-term rental assistance to any unit with lead-based paint present.

Lead Hazard Evaluation

The interior and exterior surfaces and common areas of the rental property must be visually assessed to identify deteriorated paints. Note: A visual assessment is not considered an evaluation that requires a notification of lead hazard evaluation, since the assessment does not evaluate lead-based paint and/or lead hazards.

If the visual assessment reveals deteriorated paint, the award grantee should notify the owner of the unit with inspection results. The owner is required to have the deteriorated paint tested for lead based paint or to assume the presence of lead based paint is its stabilization activities.

Award grantee staff should instruct the owner to conduct paint stabilization before the unit is occupied to control possible lead-based paint hazards.

Owners must correct the deteriorated paint identified during the visual assessment process using safe work practices in order to participate in the long-term rental assistance program.

Lead Hazards Reduction

At the completion of any paint stabilization, the owner must sign the Lead Certification 8.11 of the HQS inspection form or a form with equivalent language. This section instructs the owner to provide certification to the administering agency if any correction of defective paint occurs at the unit.

- **Training/Supervision.** Workers performing paint stabilization must be trained in accordance with OSHA regulations at 29 CFR 1926.59. In addition, they must meet one of the following:
 - (a) Supervision by a certified abatement supervisor;
 - (b) Successful completion of an accredited abatement supervisor course in accordance with 40 CFR 745.225;
 - (c) Successful completion of an accredited lead-based paint abatement worker course in accordance with 40 CFR 745.225;
 - (d) Successful completion of the Lead-Based Paint Maintenance Training Program developed by the National Environmental Training Association for EPA and HUD;
 - (e) Successful completion of the Remodeler's and Renovator's Lead-Based Paint Training Program developed by HUD and the National Association of the Remodeling Industry; or
 - (f) Successful completion of an equivalent course approved by HUD.
- **Safe Work Practices.** The owner must use safe work practices when conducting paint stabilization. Safe work practices include safe work methods, occupant protection, worksite preparation, and cleanup.
 - (a) **Occupant Protection.** Work should be performed in a vacant unit if possible. If residents must remain inside the dwelling during work, a barrier to the room where stabilization is

taking place should be erected and residents should not be allowed to enter the work area until clearance has been completed.

- (b) **Worksite Preparation.** The worksite should be contained using plastic sheeting extending five feet beyond the perimeter of the treated area in all directions on the floor. Ventilation systems should be turned off until work is complete.
- (c) **Cleanup.** After paint stabilization is complete, the worksite should be cleaned to remove all lead-based paint dust. Cleanup must be accomplished by wet washing surfaces with a lead specific detergent or its equivalent. Other cleaning devices, such as vacuum cleaners with HEPA filters, can be used during cleanup. Waste and debris must be disposed of in sealed containers in accordance with Federal and state waste disposal requirements. Use of a HEPA vacuum is recommended.
- **Exemptions to Safe Work Practices.** Safe work practices are not required when treated areas are tested and found to be free of lead-based paint, or if the surface area being treated is smaller than a total of 2 square feet per room or 10 percent of the total surface area of interior components, such as window sills.
- **Occupant Protection.** Property owners should protect residents and their personal belongings from exposure to lead-contaminated dust and debris during paint stabilization.
- (a) Personal belongings should be relocated to an area outside the treatment area or covered with an impermeable covering with all seams and edges taped shut.
- (b) Residents may need to be temporarily relocated during treatment if they are exposed to lead-based paint hazards.
- (c) **Worksite Preparation.** The award grantee should instruct the owner to control the spread of dust and debris at the worksite. This preparation should ensure that lead-based dust, lead-based paint chips and other debris are contained within the worksite until they can be safely removed. Protective measures include sealing off vents and doorways with poly sheeting; covering floors and furniture with poly sheeting and wrapping debris in poly before disposal.
- **Cleanup.** After paint stabilization is complete, the worksite should be cleaned to remove lead-based paint dust. Cleanup must be accomplished by wet washing surfaces with a lead-specific detergent or its equivalent. Vacuum cleaners with HEPA filters should be used during cleanup. Waste and debris must be disposed in sealed containers in accordance with Federal and state disposal requirements.

Clearance

- **Clearance** must take place following paint stabilization. Clearance helps to ensure that lead-based paint hazards are controlled and the unit is safe for habitation.
- Paint stabilization and other lead hazard reduction efforts are considered complete when clearance is conducted. Clearance must be performed to ensure that lead-based paint hazards have been controlled.
- (a) Clearance consists of a visual examination, collection of dust samples, and laboratory analysis of the samples for lead.
- (b) Clearance is performed after lead hazard reduction and clean-up are complete.
- (c) Dwellings must meet the following clearance standards.

	Floors ($\mu\text{g}/\text{ft}^2$)	Interior Window Sills	Window Troughs ($\mu\text{g}/\text{ft}^2$)
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		($\mu\text{g}/\text{ft}^2$)	
Lead in Dust (as measured by a dust wipe sample)	40	250	800

- Clearance Examiner. The administering agency is responsible for hiring a certified professional to conduct the clearance. This professional may be a certified risk assessor, lead-based paint inspector, or clearance technician. The clearance examiner must be independent from the individual or entity who conducted the paint stabilization or other lead hazard reduction, unless they are employees of the administering agency. Note: If agency employees are used, the same individual who conducted paint stabilization is not permitted to conduct clearance.
- Clearance Report. Prior to closing, and within 15 calendar days of the completion of the lead hazard reduction activities, the tenant must be notified of the clearance examination. The administering agency should ensure that the report is prepared and sent to the tenant. This report should include:
 - (a) Beginning and ending dates of the lead hazard reduction activities.
 - (b) Name and address of the firm conducting lead hazard reduction activities and the name of the supervisor assigned to the lead hazard reduction activities.
 - (c) The name, address and signature of each person conducting clearance sampling, the date of the clearance testing, and the certification number for each certified risk assessor or inspector who conducted sampling.
 - (d) The results of clearance testing and the name of each laboratory that conducted the analyses and the identification number of the laboratory.
 - (e) A detailed written description of the lead hazard reduction activities including methods used, location of rooms where activity occurred, and any suggested monitoring.
- Notify Tenants. The owner must provide a notice to tenants describing the results of the clearance examination. The award grantee should instruct the owner to notify tenants of clearance results.
- Staff Training. As a result of the new cleanup and clearance requirements, the administering agency will need to evaluate their program design and incorporate these new requirements.
 - (a) All program staff should have a basic understanding of the proper clearance procedures;
 - (b) Staff conducting the clearance examination must complete one of the acceptable training courses listed under paint stabilization; and
 - (c) Program staff should understand the components of the clearance report and understand the procedures for notifying the buyer of the results.

Chapter 10

PROCUREMENT PROCEDURES

The Code of Federal Regulations (<http://www.access.gpo.gov/nara/cfr/>) establish standards and guidelines for the procurement of supplies, equipment, construction, and services to ensure that they are obtained as economically as possible through an open and competitive process, and that contracts are managed with good administrative practices and sound business judgment. The regulations include:

- Standards that prohibit conflicts of interest;
- Procedures for open competition with consistent technical solicitations;
- Affirmative efforts to hire minority- and women-owned enterprises;
- Maintenance of selection documentation; and
- Contract administration system that provides sufficient monitoring.

Purchases of services from contractors or vendors by nonprofit grantees with ESG funds are subject to the regulations in 24 CFR Part 84, while purchases by public agencies with ESG grant funds are subject to the regulations in 24 CFR Part 85.

The guidelines on procurement are summarized as follows:

- Grantees are allowed to use their own procurement procedures as long as those procedures conform to the provisions of the regulations;
- Grantees must maintain a system to handle disputes, protests, and other matters arising out of its contracts; maintain a code of conduct to prevent conflicts of interest (personal, financial, and organizational); and use solicitations which are clear and accurately describe the materials, products, or services being procured
- Grantees must use some form of cost or price analysis in connection with each of its procurements. They must be able to justify procurements awarded on a non-competitive basis and justify the awarding of procurements by bid on the basis of other than the lowest bid.
- Grantees must initiate positive efforts to use small and minority-owned businesses to the maximum extent possible; include all applicable contract provisions in contracts; and not use the cost-plus-percentage of cost contracts.

Chapter 11

REFERENCE MATERIALS

http://www.in.gov/ihcda/	Indiana Housing & Community Development Authority
http://www.access.gpo.gov/nara/cfr/cfr-table-search.html	Code of Federal Regulations
http://www.access.gpo.gov/nara/cfr/waisidx_04/24cfr576_04.html	ESG Regulations
http://www.indianahousingoptions.org/home.asp	Indiana Housing Opportunity Planner & Evaluator
http://www.whitehouse.gov/omb/circulars/index.htm	OMB Circulars
http://www.hud.gov	Official HUD site
http://www.bog.frb.fed.us/releases/H15	Federal Statistical Reserves
http://www.endhomelessness.org	National Alliance to End Homelessness
http://www.hud.gov/offices/fheo/index.cfm	HUD Fair Housing Equal Opportunity Link
http://www.indianahousingnow.org	Indiana Housing Now Search Engine
14.231	Emergency Shelter Grant's Code of Federal Domestic Assistance (CFDA) Number
http://www.hud.gov/offices/fheo/promotingfh/928-1.pdf	Equal Housing Opportunity/ Fair Housing Poster